

## **REMARKS**

### **In the Drawings:**

The Examiner objected to the drawings because the line from 62 in Figure 1 and the outline of the element 62 should be shown in dashed lines to denote underlying structure. The appropriate amendments have been made and a replacement sheet of drawings is being submitted, herewith.

### **In the Specification:**

The Examiner objected to the specification because of informalities on page 13. The specification has been amended to correct the alleged informalities.

### **Claim Objections**

The Examiner has objected to claims 1-6, 8-9, and 42 because all occurrences of "acing" should be "faceable." Although Applicants are not aware of any support for this alleged "informality," in order to facilitate the prompt allowance of this application, amendments to the claims have been made to the above referenced claims.

### **Rejections Under 35 U.S.C. § 102(b)**

Claims 1-6, 8-9, and 42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Osborn III et al (US 5,658,269). This rejection has been obviated by appropriate amendment. Independent claims 1 and 42 have been amended to recite an extensible body faceable layer, extensible along a longitudinal axis, wherein the body faceable layer includes at least one aperture with a length at least half of the length of the extensible body faceable layer. As disclosed in FIG. 1, the claimed aperture is approximately one-third to approximately two-thirds the length of the extensible body faceable layer. As described in the specification:

This aperture 34 allows insults of fluid or body menses to directly contact the absorbent core 18 which is desirably disposed between the body facing 14 and garment facing layer 16.

(page 8, ll. 28-31).

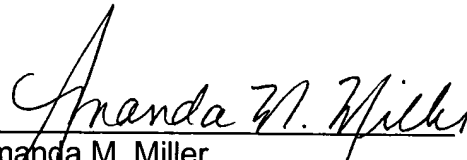
Osborn III et al does not disclose an aperture in the body faceable layer that extends at least one third of its length. Indeed, Osborn states that "apertured films are generally preferred for the topsheet...and if properly apertured, have a reduced tendency to allow liquids to pass back through and rewet the wearer's skin." (col. 12, ll. 14-20). Clearly, an opening in the body faceable layer at least one third of the length of the layer would not have been obvious in view of the foregoing remark. Therefore, Osborn III neither teaches nor suggests each and every element of the claimed invention. Applicants respectfully request this rejection to be withdrawn.

Claims 1, 3-6, 8-9, and 42 further stand rejected under 35 U.S.C. § 102(b) as being anticipated by Jackson et al. (US 4,596,750). This rejection has been obviated by appropriate amendment. As stated above, the independent claims have been amended to include an aperture in the extensible body faceable layer that extends at least one third of the length of said layer. Jackson does not teach or suggest an aperture in the top layer of the disclosed absorbent garment. Indeed, the Examiner has not asserted that Jackson disclosed this claimed feature. Applicants request this rejection be withdrawn.

### SUMMARY

Pending Claims 1-6, 8-9, and 42 as amended are patentable. Applicant respectfully requests the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

A handwritten signature in cursive script, reading "Amanda M. Miller", written over a horizontal line.

Amanda M. Miller  
Registration No. 52,469  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200